

REMARKS

Following entry of the above amendment, claims 1, 4-6, 8, 14, 15, and 18-27 will be pending in this application. Claims 1 and 18 are currently amended, and claims 2, 3, 7, 9-13, 16, 17, 28, and 29 are canceled herein. Support for the amendments can be found throughout the specification and claims as filed, e.g., at original claim 2. No new matter has been added.

Applicants thank the Examiner for her acknowledgment that claim 8 is allowable and that claims 2 and 24-29 would be allowable if rewritten in independent form. Applicants have rewritten part (c) of claim 1 to incorporate the limitations of claim 2. Therefore, claim 1 and all of its dependent claims should be allowable. The limitations of claim 29 are now incorporated into independent claim 18, rendering that claim and its dependents allowable.

35 USC § 112, first paragraph

Claims 1, 4-6, and 14-23 were rejected as allegedly not enabled for the full scope of the claims. As an initial matter, claims 16 and 17 have been canceled herein, thus mooting the rejection with respect to these claims.

Applicants respectfully disagree with the rejection for reasons of record. However, to further prosecution and obtain allowable subject matter, applicants have amended claims 1 and 18, without prejudice or disclaimer, to recite subject matter that the Office action (at page 3) indicates is enabled, i.e.:

an isolated DNA molecule encoding a protein of SEQ ID NO:2, or comprising the coding region of the nucleotide sequence of SEQ ID NO:1, or defined by the substitution language as e.g., in claim 1(c) or by percent homology language as e.g. in claim 18 . . . when combined with the functional limitation wherein the protein is “capable of binding to a protein selected from the group consisting of SHP-1 protein, SHP-2 protein, and SHP protein (emphasis in original).

Therefore, applicants submit that the claims are enabled for their full scope and request reconsideration and withdrawal of the rejection.

Concluding Remarks

In light of the arguments and amendments made herein, applicants submit that the pending claims are patentable and request early and favorable action thereon. If the Examiner feels it would further prosecution of the present case, she is invited to telephone the undersigned at 617-521-7020.

Applicants do not concede any positions of the Examiner that are not expressly addressed above, nor do applicants concede that there are not other good reasons for patentability of the presented claims or other claims.

This response is being submitted with a Petition for Extension of Time, a Notice of Appeal, and the required fees. Please apply any other required charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 14875-0142US1.

Respectfully submitted,

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/RSMcQuade/

Ryan S. McQuade, Ph.D.
Reg. No. 61,358

Fish & Richardson P.C.
Customer No. 26161
Telephone: (617) 542-5070
Facsimile: (877) 769-7945